

EXHIBIT I

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Pro-Life Action Ministries;) COURT FILE
Lucy Maloney; Thomas Wilkin;) NO. 23-CV-853 (ECT/DJF)
and Debra Braun,)
)
Plaintiffs,)
)
vs.)
)
City of Minneapolis,) Courtroom 7A
) Monday, October 16, 2023
Defendant.) St. Paul, Minnesota
) 9:00 A.M.

HEARING ON

DEFENDANT'S MOTION TO DISMISS

BEFORE THE HONORABLE ERIC C. TOSTRUD
UNITED STATES DISTRICT JUDGE

TIMOTHY J. WILLETTE, RDR, CRR, CRC

Official Court Reporter - United States District Court
Warren E. Burger Federal Building & U.S. Courthouse
316 North Robert Street - Suite 146
St. Paul, Minnesota 55101
651.848.1224

A P P E A R A N C E S:

For the Plaintiffs:

THOMAS MORE SOCIETY

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MOHRMAN, KAARDAL & ERICKSON, P.A

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For the Defendant:

MINNEAPOLIS CITY ATTORNEY'S OFFICE

By: TRACEY N. FUSSY, ESQUIRE
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1 (9:00 a.m.)

2 P R O C E E D I N G S

3 I N O P E N C O U R T

4 THE COURT: Good morning, everyone. Please be
5 seated.

6 This is Pro-Life Action Ministries and others
7 versus City of Minneapolis, Civil File Number 23-853. At
8 this time let me invite counsel to note their appearances,
9 starting with the plaintiffs.

10 MR. BREEN: Thank you, Your Honor. Peter Breen of
11 the Thomas More Society for Plaintiffs.

12 MS. NIELSEN: Elizabeth Nielsen, local counsel,
13 Mohrman, Kaardal & Erickson.

14 THE COURT: Good morning.

15 MS. NIELSEN: Good morning.

16 THE COURT: And how about for the defendant?

17 MS. FUSSY: Assistant City Attorney Tracey Fussy,
18 Your Honor.

19 MS. HUMAYUN: Assistant City Attorney Munazza
20 Humayun, Your Honor.

21 THE COURT: All right. Terrific. Good morning.
22 Welcome to all.

23 MS. HUMAYUN: Good morning.

24 THE COURT: All right. This is the first of three
25 hearings that we have this morning, and so what I'm going to

1 THE COURT: Certainly.

2 MS. FUSSY: Unless Your Honor has further
3 questions.

4 THE COURT: I do not, not at this time.

5 MS. FUSSY: Thank you.

6 THE COURT: Thank you.

7 Counsel?

8 MR. BREEN: Good morning, Your Honor.

9 THE COURT: Let my begin by asking you the same
10 ordinance interpretation question that I asked the City.

11 Do you think that my understanding of that first
12 section of the ordinance lacks a geographic limitation?

13 MR. BREEN: And, Your Honor, I think when you look
14 at that word "access" to, certainly if you were at home
15 trying to get to the clinic, ingress and egress might be a
16 little tighter in terms of ingress and egress, but "access"
17 to, that, at least to my ears, I start thinking about the
18 Freedom of Access to Clinic Entrances Act, the federal law,
19 that prohibits preventing access anywhere. It's not just at
20 the clinic. That can apply at any location. So if they
21 were trying to harken -- I mean, when I hear that word
22 "access," it has a very particular meaning in the abortion
23 context, and at least at the federal level it is a broad
24 measure of access.

25 THE COURT: I've been reading the statute when I